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Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the following statements of programme budget implications, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly, of the following: draft resolution A/C.3/59/L.49, on the situation of human rights in Myanmar (A/C.5/59/19); proposal of the Chairman of the Sixth Committee at its 27th meeting, on 19 November 2004, related to the International convention against the reproductive cloning of human beings (A/C.5/59/20); draft resolution A/C.3/59/L.31, on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/C.5/59/21); draft resolution A/C.3/59/L.29 Rev.1, on the rights of the child (A/C.5/59/22). The Committee also considered the report of the Secretary-General on revised estimates relating to activities in the area of international cooperation in tax matters, resulting from resolution 2004/69, which was adopted by the Economic and Social Council at its resumed substantive session of 2004 (A/59/393/Add.1).

2. The implementation of the above-mentioned decisions, if adopted by the General Assembly, would, as indicated below, entail in some cases additional appropriations for the biennium 2004-2005, which would be considered by the General Assembly in accordance with the procedures set out in General Assembly resolutions 41/213 and 42/211 of 19 December 1986 and 21 December 1987, respectively, for the use and operation of the contingency fund.

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3. As indicated in paragraph 2 of the Secretary-General's statement (A/C.5/59/19), under the terms of operative paragraph 4 of draft resolution A/C.3/59/L.49, the General Assembly would request the Secretary-General to continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar; to give necessary assistance to enable his Special Envoy for Myanmar, as well as to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, to discharge their mandates fully and effectively; and to report to the Assembly at its sixtieth session and to the Commission on Human Rights at its sixty-first session on the progress made on the implementation of the resolution.

4. The activities related to the implementation of the requests are described in paragraphs 4 and 5 of the statement. Paragraphs 6, 7 and 8 contain information on the estimated resource requirements. In this connection, the Committee notes that the Secretary-General estimates that the costs of continuing the good offices efforts through his Special Envoy for Myanmar, for a one-year period (1 January to 31 December 2005), amount to \$294,900 gross (\$252,400 net). The resource

requirements are also presented in the consolidated presentation of the Secretary-General on estimates in respect of special political missions, good offices and other initiatives authorized by the General Assembly and/or the Security Council (see A/59/534/Add.1).

5. The breakdown of the costs is provided in the annex to the Secretary-General's statement (A/C.5/59/19). Resources include the provision of salaries for the Special Envoy, at the rate applicable on a when-actually-employed basis, and that of a General Service (Local level) to provide support to the Special Envoy as and when required (\$102,600). It also includes provision for travel of the Special Envoy (\$95,600), the services of a consultant (\$48,500) and miscellaneous services in support of the Mission (\$5,700).

6. The Committee notes from paragraph 6 of the statement that an unencumbered balance of \$6,200 is expected to remain out of the appropriation for 2004. Taking this balance into account, the overall requirements for 2005 would therefore amount to \$288,700 gross (\$246,200 net).

7. The request in paragraph 4 (b) of the draft resolution regarding assistance to the Special Rapporteur of the Commission on Human Rights does not require additional resources, since provision for this type of activities, considered to be of a perennial nature, are already included under section 24, Human rights (see para. 8 of the Secretary-General's note).

8. Taking into account paragraph 6 above, and bearing in mind what is stated in paragraphs 9 and 10 of the statement of the Secretary-General, the Fifth Committee may wish to inform the General Assembly that, should it adopt draft resolution A/C.3/59/L.49, a total of up to \$288,700 gross (\$246,200 net) would be required for the period from 1 January to 31 December 2005 for the continuation of the good offices of the Secretary-General relating to the situation in Myanmar.

International convention against the reproductive cloning of human beings

Programme budget implications arising from the decision of the Sixth Committee at its 27th meeting, on 19 November 2004

9. As indicated in paragraphs 1 and 2 of the Secretary-General's statement (A/C.5/59/20), at the 27th meeting, the Chairman of the Sixth Committee made a statement proposing the establishment of a working group to finalize the text of a United Nations declaration on human cloning, on the basis of draft resolution A/C.6/59/L.26, and to report to the Sixth Committee during the current session. At the same meeting, the Secretary of the Committee made a statement regarding the administrative and budgetary implications of the proposal (see A/C.6/59/SR.27) and the Committee decided, without a vote, to establish a working group.

10. The activities related to the implementation of the request contained in the proposal of the Chairman of the Sixth Committee are indicated in paragraph 5 of the Secretary-General's statement. The Committee notes that the decision entails five meetings of the Working Group and one formal meeting of the Sixth Committee in February 2005. As indicated in paragraphs 7 and 8, the conference-servicing requirements related to the meetings of the working group, estimated at \$128,600 (at

2004-2005 rates), would not require additional resources, since it is understood that the meetings would be held in lieu of the 10 meetings of the Ad Hoc Committee already programmed in the calendar of conferences. The conference-servicing requirements at full cost for a formal meeting of the Sixth Committee, to be held on 18 February 2005, entail an amount of \$37,500 (at 2004-2005 rates), as indicated in paragraph 6 of the statement. The Advisory Committee requested clarification and was informed that the formal meeting would constitute an "addition". However, the Committee points out that it should be possible to accommodate the meeting from within existing conference-servicing resources, in view of the reduction in the overall number of meetings foreseen.

11. **The Advisory Committee recommends that the Fifth Committee inform the General Assembly that the implications of the proposals contained in the decision of the Sixth Committee at its 27th meeting, on 19 November 2004 would not entail additional requirements for the five-day session of the working group in February 2005. Bearing in mind what is stated in paragraph 9 above, the requirements related to the formal meeting of the Sixth Committee anticipated for 18 February 2005 (\$37,500) need not be appropriated at this time; instead, such requirement, if any, should be reflected in the second performance report for the biennium 2004-2005.**

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Programme budget implications of draft resolution A/C.3/59/L.31

12. As indicated in paragraph 2 of the Secretary-General's statement (A/C.5/59/21), under the terms of operative paragraph 3 of draft resolution A/C.3/59/L.31, the General Assembly would welcome the establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the report of its first session, which was held from 1 to 5 March 2003, and take note of the rules of procedure adopted by the Committee.

13. The Committee notes that the above-mentioned Committee, in its report,¹ decided to request the Secretary-General to arrange two sessions in July and October 2005, of one week duration each. These sessions would replace an initially programmed session of three weeks for 2005 (see para. 3 of the statement). As indicated in paragraph 6 of the statement, the full cost of the activities envisaged in this decision amount to \$891,300 in the biennium 2004-2005, compared to the amount of \$1,120,400 currently approved for the programmed three-week session. The proposed arrangements would therefore result in additional requirements for travel of Committee members (\$12,000), which, as indicated in paragraph 6 (a), can be absorbed within overall resources currently included under section 24, Human rights; and estimated savings of \$238,100 and \$3,200 under section 2, General Assembly affairs and conference services and section 29E, Administration, Geneva, respectively, of the programme budget for the current biennium.

14. **The Advisory Committee recommends that the Fifth Committee inform the General Assembly that, should it adopt draft resolution A/C.3/59/L.31, as orally amended, it would not give rise to additional requirements under the programme budget for the biennium 2004-2005. Moreover, the actual savings resulting from the reduction in conference-servicing requirements will be**

reported to the General Assembly in the context of the second performance report for the biennium 2004-2005.

Rights of the Child

Programme budget implications of draft resolution A/C.3/59/L.29/Rev.1

15. The Secretary-General's statement (A/C.5/59/22) contains the programme budget implications of draft resolution A/C.3/59/L.29/Rev.1, adopted by the Third Committee at its 52nd meeting, on 23 November 2004. The Committee notes that the draft resolution has programme budget implications which relate to the Committee on the Rights of the Child (see A/C.5/59/22, sect. I) and to the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (*ibid.*, sect. II).

16. With regard to the Committee on the Rights of the Child, the Committee notes that, under the terms of paragraph 9 of draft resolution A/C.3/59/L.29/Rev.1, the General Assembly would welcome the efforts of the Committee on the Rights of the Child to reform its working methods so as to consider the reports of States parties in a timely manner, including by the proposal to work in two chambers, as an exceptional and temporary measure, for a period of two years, in order to clear the backlog of reports, taking due account of equitable geographic distribution, and would urge the Committee to continue to review its working methods in order to enhance its efficiency and to assess progress after two years, also taking into account the wider context of treaty body reform.

17. The Committee notes that the bicameral work would increase the number of reports of States parties to be examined from 27 to 48 per year, as indicated in paragraph 3 of the statement. However, the Committee was informed that it is not expected that the backlog will be cleared up completely. **The Committee therefore stresses the importance of pursuing additional avenues in the context of the treaty body reform.**

18. Paragraph 8 of the statement contains a breakdown of the additional resource requirements related to the request contained in paragraph 9 of draft resolution A/C.3/59/L.29/Rev.1. The Committee notes that the additional regular budget requirements for 2005 amount to \$702,200, which would require additional appropriations by the General Assembly. As to the costs for 2006, indicated at \$4,115,200, as indicated in paragraph 9 of the Secretary-General's statement, these would be included in the proposed programme budget for the biennium 2006-2007. In connection with the latter, the Advisory Committee requested a breakdown of the conference-servicing requirements of \$3,878,700 for 2006, which is attached as an annex below.

19. Under the terms of paragraph 51 (d) of draft resolution A/C.3/59/L.29/Rev.1, the General Assembly would decide to invite the Chairman of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixtieth session. This would be funded by extrabudgetary resources, as indicated in paragraph 10 of the Secretary-General's statement.

20. With regard to the programme budget implications related to the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Committee notes that, under the terms of operative paragraph 51 (c) of draft

resolution A/C.3/59/L.29/Rev.1, the General Assembly would decide to request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Commission on Human Rights.

21. Paragraphs 12 to 17 of the statement provide the background of the Office of the Special Representative. The Advisory Committee recalls that the General Assembly, in its resolution 51/77 of 12 December 1996, recommended that the Secretary-General appoint a Special Representative on the impact of armed conflict on children for a period of three years, and that a Special Representative was appointed in September 1997. The mandate of the Special Representative was extended by the General Assembly for subsequent three-year periods in its resolutions 54/149 and 57/190 of 17 December 1999 and 18 December 2002, respectively. In the latter resolution, the Assembly also requested a comprehensive assessment of the scope and effectiveness of the system's response, including recommendations for strengthening, mainstreaming, integrating and sustaining those activities.

22. Since its inception, the Office of the Special Representative has been funded through voluntary contributions. The Committee further recalls that the General Assembly, in its resolution 58/245 of 23 December 2003, decided that the activities under the mandate of that Office would be supported through regular budget funding. The Fifth Committee, having considered the Secretary-General's statement of programme budget implications of draft resolution A/C.3/58/L.28, informed the General Assembly before the adoption of the resolution that, should it adopt the draft resolution, any appropriations would be considered in the context of the report requested in resolution 57/190 (see para. 21 above). The report of the Secretary-General entitled "Comprehensive assessment of the United Nations response to children affected by armed conflict" was issued on 3 September 2004 (see A/59/331).

23. The Committee notes from paragraphs 18 and 19 of the Secretary-General's statement (A/C.5/59/22) that it is not expected that sufficient extrabudgetary resources will be available to maintain the Office of the Special Representative beyond 31 December 2004. The balance of extrabudgetary resources for children and armed conflict activities is estimated to amount to \$690,000 at the end of 2004, of which \$150,000 are unearmarked. It is further indicated therein that "it is not possible at this stage to provide a definite estimate of voluntary contributions for 2005", but it could be determined, however, that the Office would not have sufficient extrabudgetary resources to operate through 2005.

24. As indicated in paragraph 20 of the Secretary-General's statement, the reporting requested to the General Assembly and the Commission on Human Rights in paragraph 51 (c) of draft resolution A/C.3/59/L.29/Rev.1 has been the responsibility of the Office of the Special Representative during the past six years, and support is required to carry out this mandate for one more year, in view of the extension mentioned in paragraph 21 above.

25. The Committee notes from paragraph 21 and table 2 of the statement that the annual cost of the activities of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict is estimated at \$950,000 net of staff assessment. The staffing costs, which amount to \$750,000 provide for a streamlined structure, as indicated in the comprehensive assessment report

(A/59/331, para. 50), which includes a total of eight temporary posts (1 USG, 1 P-5, 2 P-4, 1 P-3 and 3 General Service), described in paragraph 21 of the statement, compared to a previous total of 12 posts. The balance of the resources (\$200,000), covering travel, consultancies and other office operations indicated in table 2, are based on related costs since 2002.

26. The Committee notes that the balance of unearmarked extrabudgetary resources of \$150,000 would cover some of the operational requirements, but in order to maintain the Office until the end of December 2005, an additional provision of \$800,000 net would be required to be funded from the regular budget for the biennium 2004-2005, under section 1, Overall policy-making, direction and coordination. In addition, an amount of \$120,000 would be required under section 34, Staff assessment, to be offset by the same amount under income from staff assessment.

27. As indicated in paragraph 22 of the statement, any possibility for reducing the proposed regular budget financing for 2005 could only be defined at a later stage, when further information of additional extrabudgetary resources becomes available. In addition, the Committee notes that, subject to the review of the mandate of the Special Representative during the General Assembly's sixtieth session, the funding of the Office beyond 2005 would be contingent upon availability of voluntary contributions.

28. The Advisory Committee recommends that the Fifth Committee inform the General Assembly that, should it adopt draft resolution A/C.3/59/L.29/Rev.1, additional requirements of \$1,622,200 gross (\$1,502,000 net) would arise under the programme budget for 2004-2005, as broken down in the table in paragraph 26 of the Secretary-General's statement. The additional appropriations would be considered by the General Assembly in accordance with the procedures for the use and operation of the contingency fund mentioned in paragraph 2 above. The requirements of \$4,115,200 for 2006, mentioned in paragraph 17 above, in connection with the work of the Committee on the Rights of the Child, would be included in the proposed programme budget for the biennium 2006-2007.

Revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council at its substantive and resumed sessions of 2004

29. The Advisory Committee was informed that, following the adoption of Economic and Social Council resolution 2004/69, the Ad Hoc Group of Experts on International Cooperation in Tax Matters had been renamed the Committee of Experts on International Cooperation in Tax Matters. Starting in 2005, the Committee will hold yearly meetings, whereas the Ad Hoc Group used to meet on a biennial basis.

30. As indicated in the revised estimates submitted (A/59/393/Add.1), the expenditure requirements arising as a result of the adoption of resolution 2004/69, estimated at full cost of \$294,900 for 2005, can be absorbed within resources approved for the biennium 2004-2005 under section 2, General Assembly affairs and conference services (\$126,100), section 9, Economic and social affairs

(\$165,900) and section 29E, Administration, Geneva (\$2,900). The related requirements for the biennium 2006-2007 and beyond are estimated at \$589,800 per biennium. These requirements would be included in the proposed programme budgets for the biennium 2006-2007 and subsequent bienniums (para. 8, A/59/393/Add.1).

31. The Advisory Committee recommends approval of the Secretary-General's proposals.

Notes

¹ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 48 (A/59/48).*

Additional conference-servicing requirements in 2006: bicameral meetings of the Committee on the Rights of the Child

Duration of meeting	Pre-session Working Group		Committee on the Rights of the Child		Grand total
	Five days after each of three sessions		Ten days parallel for each of three sessions		
	Per session	Total	Per session	Total	
Meeting services requirements	10 meetings	33 733	20 meetings	69 389	309 366
Pre-session documentation	7 documents 700 pages/doc	407 360	7 documents 700 pages/doc	407 360	2 444 160
Summary records				150 711	452 133
Post-session documentation	7 documents 56 pages/doc	41 479	7 documents 140 pages/doc	171 226	638 115
Editing/documents control and distribution		2 334		9 322	34 968
Total conference-servicing costs	484 906	1 454 718	808 008	2 424 024	3 878 742
					3 878 700